

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

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**CRIMINAL DOCKET NO. 11-109**

**v.**

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**SECTION: L**

**MARY CRUZ PORTILLO-MEJIA**

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**a/k/a Mary Cruz Portillo**

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**a/k/a Mary Cruz**

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**FACTUAL BASIS**

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the superseding bill of information now pending against the defendant:

The Defendant, **MARY CRUZ PORTILLO-MEJIA** (hereinafter “**PORTILLO**”) has agreed to plead guilty as charged to the one-count superseding bill of information charging her with shipping ammunition without notice to the contract carrier, in violation of Title 18, United States Code, Section 922(e).

A Homeland Security Investigations (hereinafter "HSI) agent would testify that on or about March 28, 2011, he received information from BMI, Inc., a contract carrier and exporter, located in Kenner, Louisiana, about a shipment from New Orleans destined for Comayagua, Honduras. BMI, Inc. advised that ammunition had been discovered at their warehouse, in the Eastern District of Louisiana, on that date within a box of cargo deemed for shipment from the United States.

HSI agents arrived at BMI, Inc. and observed a plastic zippered bag wrapped in duct tape that contained multiple boxes of 12 gauge shotgun shells and multiple boxes of .22 caliber long rifle rounds. The bag was inside a larger shipping box. The ammunition was seized and identified as 1000 Winchester .22 caliber long rifle rounds; 1050 Remington .22 caliber long rifle hollow point rounds; 125 Winchester 12 gauge shotgun shells. The ammunition was in its original packaging. The original packaging containing the shotgun shells were labeled "light target load" by the manufacturer. The bill of lading revealed that the shipper of the box containing ammunition was Mary Cruz Portillo of 2830 Palmyra Street, in New Orleans to Cruz Portillo Marquez in Comayagua, Honduras. Business documents from BMI, Inc. showed Mary Cruz Portillo shipped two packages on March 28, 2011. The commodities for shipment were listed as toys, clothes, pots, shoes, and camera shipment. The bill of lading contains a statement declaring that the shipper is responsible for the items contained in the package and that the package does not contain any firearms, ammunition, or explosives. Mary Cruz Portillo signed the bill of lading.

An employee of BMI, Inc. would positively identify the shipper of the box containing the ammunition as the defendant, **PORTILLO**. The BMI, Inc. employee would testify he observed **PORTILLO** arrive in a 1997 Chevrolet pickup truck, and he recorded the license plate number. The BMI, Inc. employee would also testify that **PORTILLO** did not notify BMI, Inc. that the

packages she delivered for foreign shipment contained ammunition. Surveillance video from BMI, Inc. would be introduced to show **PORTILLO** drop off the packages for shipment on March 28, 2011.

**PORTILLO** was arrested for immigration violations on April 18, 2011. Subsequent to her arrest, HSI agents explained to **PORTILLO** her *Miranda* rights in Spanish, and she waived those rights and agreed to give a voluntary statement. **PORTILLO** admitted to delivering the ammunition to a contract carrier for shipment from the United States. **PORTILLO** said that she packed the ammunition in a cargo box. HSI agents showed **PORTILLO** a photograph of the box that contained the ammunition, and she positively identified that box as one she delivered to the contract carrier. **PORTILLO** said she did not inform BMI, Inc. that her shipment contained ammunition because she knew she was prohibited from shipping the ammunition by law and by BMI, Inc. **PORTILLO** further stated that she was shipping the ammunition to her father in Honduras.

An agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (hereinafter "ATF") would testify that the shotgun shells and rifle rounds found in the investigation would be classified as ammunition pursuant to Federal law. The ATF agent would further testify that neither

**PORTILLO** nor BMI, Inc. were licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who were allowed to ship ammunition in foreign commerce.

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ROBERT WEIR  
Special Assistant United States Attorney

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Date

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MARY CRUZ PORTILLO-MEJIA  
Defendant

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Date

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VALERIE JUSSELIN  
Attorney for Defendant

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Date